



2015 SESSION

ADDITIONAL DOCUMENTS

Business Page

[Signed by Chairman]

Roll Call

Standing Committee Reports

Tabled Bills

Fiscal Reports

Rolls Call Votes

Proxy Forms

Visitor Registrations

***Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

***Witness Statements that were not presented as exhibits.**

Montana Historical Society Archives

225 N. Roberts

Helena MT 59620-1201

2015 Legislative

E-Document Specialist Susie Hamilton

BUSINESS, LABOR & ECONOMIC AFFAIRS COMMITTEE

DATE: Feb. 18, 2015

[illegible]



SENATE STANDING COMMITTEE REPORT

February 18, 2015

Page 1 of 2

Madame President:

We, your committee on **Business, Labor, and Economic Affairs** report that **Senate Bill 79** (first reading copy -- white) **do pass as amended.**

Signed: _____

Senator Edward Buttrely, Chair

And, that such amendments read:

1. Title, page 1, lines 5 through 6.

Following: "CLARIFYING THE"

Strike: "MEANING" on line 5 through "COSTS" on line 6

Insert: "FUNDING REQUIREMENTS"

2. Title, page 1, line 6.

Following: "LICENSING"

Insert: "BOARDS"

3. Title, page 1, line 7.

Strike: "ALLOWING" on through "DEPARTMENT COSTS;" on line 7

4. Title, page 1, line 8.

Strike: ", 37-72-202" through "50-76-104,"

5. Page 1, line 13 through page 3, line 16.

Strike: section 1 through section 5 in their entirety

Insert: "Section 1. Section 37-1-134, MCA, is amended to read:

"37-1-134. ~~Fees commensurate with costs~~ Boards -- costs.

~~Each board allocated to the department shall set board fees related to the respective program area that are commensurate with costs for licensing, including fees for initial licensing, reciprocity, renewals, applications, inspections, and audits. A board may set an examination fee that must be commensurate with costs. A board that issues endorsements and licenses specialties shall set respective fees commensurate with costs. (1) Each board allocated to the department shall set board fees related to its~~

Committee Vote:

Yes 9, No 0

Fiscal Note Required X

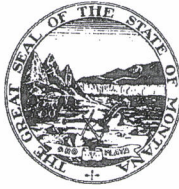
program area that provide the amount of money usually needed for the operation of the board for services, including but not limited to licensing, reciprocity, renewals, applications, inspections, investigations, compliance, discipline, and audits. The amount needed for the operation of the board is based on the license renewal years as set by the board. In setting the fees, the board must consider the revenues and expenses incurred in the prior 5 licensing renewal years, but a board's cash balances must not exceed two times the board's annual appropriation level.

Unless otherwise provided by law, the department may establish standardized administrative fees commensurate with costs.⁷ including These fees may include, but are not limited to fees for administrative services such as license verification, duplicate licenses, late penalty renewals, licensee lists, and other administrative service fees determined by the department as applicable to all boards and department programs. The department shall collect ~~administrative~~ fees on behalf of each board or department program and deposit the fees in the state special revenue fund in the appropriate account for each board or department program. Administrative service costs not related to a specific board or program area may be equitably distributed to board or program areas as determined by the department. Each board and department program shall maintain records sufficient to support the fees charged for each program area.

(2) The department and the boards shall adopt rules regarding all fees."

Renumber: subsequent sections

- END -



SENATE STANDING COMMITTEE REPORT

February 18, 2015

Page 1 of 1

Madame President:

We, your committee on **Business, Labor, and Economic Affairs** report that **Senate Bill 288** (first reading copy -- white) **do pass**.

Signed: _____

Senator Edward Buttrely, Chair

- END -

Committee Vote:

Yes 6, No 4

Fiscal Note Required X

SB0288001SC.spt



SENATE STANDING COMMITTEE REPORT

February 18, 2015
Page 1 of 1

Madame President:

We, your committee on **Business, Labor, and Economic Affairs** report that **House Bill 50**
(third reading copy -- blue) **be concurred in.**

Signed: _____

Senator Edward Buttrely, Chair

To be carried by Senator Tom Facey

- END -

Committee Vote:

Yes 9, No 0

Fiscal Note Required X

HB0050001SC12553.spt

BILL TABLED NOTICE

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

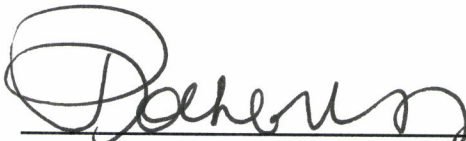
The **SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE** TABLED

HB 299 - Revise workers' compensation claim penalty laws - Rep. Mark Noland
SB 271 - Designating state auditor investigators as peace officers - Sen. Diane Sands

by motion, on **Wednesday, February 18, 2015** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).



(For the Committee)



(For the Secretary of the Senate)

11am / 2/18
(Time) (Date)

February 18, 2015 (10:49am)

Linda Keim, Secretary

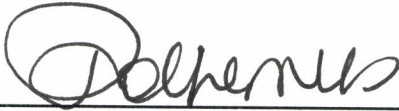
Phone: 444-4315

BILL VOTE TIED - REMAINS IN COMMITTEE

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

The vote in **SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE** for bill **SB 23 - Limiting liability for title insurers of condominiums converted to townhouses - Sen. Roger Webb** was tied on **Wednesday, February 18, 2015** and the bill remains in committee. (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).


(For the Committee)


(For the Secretary of the Senate)
11:00a 2/18
(Time) (Date)

February 18, 2015 (10:50am)

Linda Keim, Secretary

Phone: 444-4315

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 2-18-15 BILL NO SB288 MOTION NO. DP
 MOTION: _____

6-4

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIR ELSIE ARNTZEN	✓		
SENATOR DEE BROWN	✓		
SENATOR PAT CONNELL	✓		
SENATOR TOM FACEY		✓	
SENATOR CARY SMITH	✓		
SENATOR SHARON STEWART-PEREGOY		✓	
SENATOR GORDON VANCE	✓		
SENATOR GENE VUCKOVICH		✓	
SENATOR LEA WHITFORD		✓	pr
CHAIRMAN ED BUTTREY	✓		

BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 2-18-15 BILL NO. SB23 MOTION NO. Bring off Table
MOTION: _____

Tied 5-5

[illegible]

SENATE PROXY

I, Senator Lea Whitford, hereby authorize Senator _____ to vote my proxy before the Senate _____ meeting held on Feb. 18, 2015.

Senator Signature

Feb 18, 2015
Date

Said authorization is as follows: *(mark only one)*

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

①

SB 292 - Create a drug formulary for workers' compensation

CE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

2

HB 50 - Equal treatment of licensees under liquor control penalty laws

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Sponsor: **Sen. Jon Sesso**

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

4

SB 251 - Revise prevailing wage laws to match local government contracting

Sponsor: Sen. Dee Brown

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

round) showing

h. 120/249 m. 50

Date: 2-18-15
Bill No. SP 208**Keim, Linda**

From: Walker, Jameson
Sent: Tuesday, February 17, 2015 9:30 AM
To: Keim, Linda; Brown, Dee (Sen); 'Sen. Edward Buttrey'; 'Sen. Elsie Arntzen'; 'Sen. Gordon Vance'; 'Sen. Pat Connell'; 'Sen. Tom Facey'; Smith, Cary (Sen); Stewart-Peregoy, Sharon (Sen); Vuckovich, Gene (Sen); Whitford, Lea (Sen)
Subject: RE: SB208 (Insurance Credit)

Good Morning All,

Senator Facey asked for the federal definition of seasonal establishment. This is the salient portion of the federal Fair Labor Standards Act of 1938 (29 U.S.C. 213):

29 U.S.C. Section 213

(a) Minimum wage and maximum hour requirements

The provisions of sections 206 (except subsection (d) in the case of paragraph (1) of this subsection) and 207 of this title shall not apply with respect to—

[...]

(3) any employee employed by an establishment which is an amusement or recreational establishment, organized camp, or religious or non-profit educational conference center, if

(A) it does not operate for more than seven months in any calendar year, or

(B) during the preceding calendar year, its average receipts for any six months of such year were not more than 33 1/3 per centum of its average receipts for the other six months of such year, except that the exemption from sections 206 and 207 of this title provided by this paragraph does not apply with respect to any employee of a private entity engaged in providing services or facilities (other than, in the case of the exemption from section 206 of this title, a private entity engaged in providing services and facilities directly related to skiing) in a national park or a national forest, or on land in the National Wildlife Refuge System, under a contract with the Secretary of the Interior or the Secretary of Agriculture;

From: Walker, Jameson

Sent: Wednesday, February 11, 2015 9:17 AM

To: Keim, Linda; Brown, Dee (Sen); 'Sen. Edward Buttrey'; 'Sen. Elsie Arntzen'; 'Sen. Gordon Vance'; 'Sen. Pat Connell'; 'Sen. Tom Facey'; Smith, Cary (Sen); Stewart-Peregoy, Sharon (Sen); Vuckovich, Gene (Sen); Whitford, Lea (Sen)

Subject: SB208 (Insurance Credit)

Good Morning All,

I copied and pasted the Montana Use of Credit Information in Personal Insurance Act. It is attached below my signature line. Feel free to contact me or stop by if you want additional information.

Thank you,

Jim

Jameson C. Walker
Legislative Attorney

Keim, Linda

From: Walker, Jameson
Sent: Friday, February 13, 2015 11:28 AM
To: Keim, Linda; Brown, Dee (Sen); 'Sen. Edward Buttrey'; 'Sen. Elsie Arntzen'; 'Sen. Gordon Vance'; 'Sen. Pat Connell'; 'Sen. Tom Facey'; Smith, Cary (Sen); Stewart-Peregoy, Sharon (Sen); Vuckovich, Gene (Sen); Whitford, Lea (Sen)
Subject: RE: SB208 (Insurance Credit)

Good Morning All,

During SB281, a case was mentioned: *Plath v. Schonrock*. Below is a case synopsis:

Procedural Posture

A jury for the District Court for the Eighth Judicial District in Cascade County (Montana) found for plaintiff homeowners on their claims for negligence, breach of warranties, and Consumer Protection Act, Mont. Code Ann. § 30-14-101 et seq., violations. The homeowners appealed the district court's post-verdict decision. Defendant builder cross-appealed the denial of a motion for an offset and the submission of a jury instruction.

Overview

The homeowners purchased a lot and hired the builder to build their house. During the negotiations held prior to the execution of the final contract, the builder made several untrue representations to them, including claims that he had built several houses and had drilled several wells, including deep wells. The homeowners claimed that there were several things wrong with their house and their well. The appellate court found that the district court erred when it ruled treble damages would not be awarded because the evidence did not support a finding generally associated with punitive damages, as treble damages were not punitive in nature. Also, the district court abused its discretion in ordering partial attorney fees because the award of attorney fees was not supported by competent evidence established as the result of an evidentiary hearing. Additionally, the district court did not err in concluding that the builder was not entitled to an offset of the settlement proceeds. Finally, the district court did not err when it instructed the jury that the builder was involved in a trade or commerce in his dealings with the homeowners.

Outcome

The appellate court reversed the district court's decision on the issue of treble damages and remanded that portion of the case to the district court for further proceedings. The appellate court affirmed the district court's decision granting attorney fees, but reversed the amount awarded and remanded that portion of the case to the district court.

Plath v. Schonrock, 2003 MT 21, P1, 314 Mont. 101, 103, 64 P.3d 984, 986, 2003 Mont. LEXIS 19, 1 (Mont. 2003). If you want to read, I have attached it: